

**From:** Patrick Earnest  
**To:** Microsoft ATR  
**Date:** 1/23/02 10:40am  
**Subject:** Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a "punishment" instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

A better settlement would include one of the following:

- 1) Microsoft having to open up all its APIs to anyone who may request them, with a severe penalty for nondisclosure.
- 2) A breakup of Microsoft
- 3) Being forced to give all versions of MS Windows prior to a settlement into the public domain.
- 4) A fine in the area of \$30 billion dollars.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,  
Patrick Earnest  
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